

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: DAVID EMIL HARABIN

Debtor(s)

CHAPTER 13

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE  
Movant

vs.

DAVID EMIL HARABIN

CASE NO: 5-20-00452-RNO

Respondent(s)

**TRUSTEE'S MOTION TO DISMISS CASE WITH PREJUDICE**

AND NOW, on February 27, 2020, Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, by and through his attorney Agatha R. McHale Esquire, moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case with prejudice.

1. A Petition under Chapter 13 was filed on February 7, 2020.
2. The Debtor has not filed the following items or a motion for extension of time to file same pursuant to F.R.B.P. 1007(c).
  - Form 122C-1 CHAPTER 13 STATEMENT OF CURRENT MONTHLY INCOME AND CALCULATION OF COMMITMENT PERIOD
  - Form 122C-2 CHAPTER 13 CALCULATION OF YOUR DISPOSABLE INCOME
  - CHAPTER 13 PLAN

In addition to the petition filed in this case, debtor(s) filed petitions docketed to the following cases:

Case Number: 5-19-03347-RNO

Counsel: PRO SE

Filing Date: 08/02/19

Date Dismissed: 08/23/19

Total Payments: \$0.00

Chapter: 13

Result: Dismissed for failure to file information

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Case Number: 5-18-04231-JJT

Counsel: PRO SE

Filing Date: 10/05/18

Date Dismissed: 11/26/18

Total Payments: \$0.00

Chapter: 13

Result: Dismissed for failure to file information

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Movant believes and avers that, under the totality of the circumstances, debtor(s) demonstrated substantial abuse and a lack of good faith in the filing of two (2) prior Chapter 13 petitions within a two (2) year period that this Court dismissed prior to completion and filed the current petition thereafter.

Notice of conference, and/or hearing and other instructions are included with this Motion to Dismiss with

Prejudice.

WHEREFORE, Movant requests this Honorable Court to:

1. Enter an Order dismissing the above-captioned case and,
2. Dismiss this case with prejudice with regard to debtor(s) filing a subsequent petition under the Bankruptcy Code in this district without prior leave of this Court for a period of 180 days from the entry of this dismissal.

Respectfully submitted,  
Agatha R. McHale, Esquire  
Id: 47613  
Attorney for Trustee  
Charles J. DeHart, III  
Standing Chapter 13 Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Email: amchale@pamd13trustee.com

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CASE NO: 5-20-00452-RNO

MOTION TO DISMISS WITH PREJUDICE

**NOTICE**

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss with Prejudice for failure to file:

- Form 122C-1 CHAPTER 13 STATEMENT OF CURRENT MONTHLY INCOME AND CALCULATION OF COMMITMENT PERIOD
- Form 122C-2 CHAPTER 13 CALCULATION OF YOUR DISPOSABLE INCOME
- CHAPTER 13 PLAN

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

U.S. Bankruptcy Court  
Max Roseann U.S. Courthouse  
197 S. Main Street  
Wilkes Barre, PA

Date: April 1, 2020

Time: 09:30 AM

Objections/responses are due on or before March 12, 2020. The hearing as scheduled will be held regardless of any objections or responses having been filed.

Charles J. DeHart, III, Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Email: dehartstaff@pamd13trustee.com

Dated: February 27, 2020

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MOTION TO DISMISS WITH PREJUDICE

**CERTIFICATE OF SERVICE**

I certify that I am more than 18 years of age and that on February 27, 2020, I served a copy of this Motion to Dismiss with Prejudice, Notice and Proposed Order on the following parties by 1<sup>st</sup> Class mail, unless served electronically.

PRO SE

SERVED ELECTRONICALLY

,

United States Trustee  
228 Walnut Street  
Suite 1190  
Harrisburg, PA 17101

SERVED ELECTRONICALLY

DAVID EMIL HARABIN  
648 NORTH ST.  
HAZLE TOWNSHIP, PA 18202

SERVED BY 1<sup>ST</sup> CLASS MAIL

Respectfully submitted,  
Vickie Williams  
for Charles J. DeHart, III, Trustee  
Suite A, 8125 Adams Dr.  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
eMail: [dehartstaff@pamd13trustee.com](mailto:dehartstaff@pamd13trustee.com)

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MOTION TO DISMISS WITH PREJUDICE

Respondent(s)

**ORDER DISMISSING CASE WITH PREJUDICE**

Upon consideration of the Trustee's Motion to Dismiss with Prejudice, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED WITH PREJUDICE. Debtor is hereby BARRED from filing in this district for a period of 180 days from the date of this order without prior court order.